



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
April 28, 2003**

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11-03

SBE:sbe

The meeting was called to order at 9:15 a.m., with all Members being present, with the exception of Supervisor Hyland, and with Chairman Hanley presiding.

Supervisor Hyland arrived at 9:25 a.m.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to remember in thoughts and prayers those around the world who are defending freedom and their families and friends here at home.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ALICIA HARDER** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Alicia Harder for her work on behalf of the Embry Rucker Community Shelter. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. CHRISTINE LAMB** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Ms. Christine Lamb for being named Administrator of the Year by the Greater Washington Reading Council. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE HECHT COMPANY, TYSONS CORNER CENTER, LORD AND TAYLOR, AND THE MCLEAN DISTRICT POLICE STATION** (Tape 1)

Supervisor Connolly moved approval of Certificates of Recognition to the following:

- Hecht Company and Lord and Taylor
- McLean District Police Station and Tyson's Corner Center

for their contribution to the "Bears in Cruisers" program. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate May as "*Foster Care and Foster Family Recognition Month*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to designate May as "*Asian/Pacific American Heritage Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Young Kim, President, Korean American Association of the Washington Metro Area, accepted the Proclamation.

7. **PROCLAMATION DESIGNATING MAY 2 AS "PUBLIC HEALTH NURSES DAY" AND MAY 6-12, 2003, AS "NATIONAL NURSES WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to designate May 2 as "*Public Health Nurses Day*" and May 6-12, 2003, as "*National Nurses Week*" in Fairfax County. Supervisor McConnell and Supervisor Mendelsohn jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Kauffman being out of the room.

8. **PROCLAMATION DESIGNATING MAY 4-10, 2003, AS "SAFE KIDS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to designate May 4-10, 2003, as "*Safe Kids Week*" in Fairfax County. Supervisor Gross seconded the motion.

Supervisor Connolly stated that the Board adopted an ordinance for bicycle helmets for kids 14 years of age or younger, making it mandatory to wear a bicycle helmet. Supervisor Connolly asked unanimous consent that the Board:

- Double its efforts to advertise that fact as part of "Safe Kids Week."
- Direct Merni Fitzgerald, Director, Office of Public Affairs, to release to the public what that ordinance is, what it requires, why the County is doing it, and ask for any help from the Police Department in reinforcing the ordinance.

Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley

9. **RESOLUTION OF RECOGNITION PRESENTED TO EDWARD STINETTE, CHIEF, DEPARTMENT OF FIRE AND RESCUE** (Tape 1)

Supervisor Mendelsohn moved approval of the Resolution of Recognition presented to Chief Edward Stinnette for his career with the Fairfax County Fire and Rescue Department. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Delegate James Scott presented, on behalf of the Commonwealth of Virginia and the House of Delegates, to Chief Stinnette, an accommodation in appreciation for the outstanding service to the people of Fairfax County since 1973.

ADDITIONAL BOARD MATTER

10. **WELCOME TO SUPERVISOR GERALD CONNOLLY'S PARENTS**
(Tape 2)

Supervisor Connolly recognized the presence of his parents, Mary and Ted Connolly from Boston, and warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

11. **PROCLAMATION DESIGNATING MAY AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (Tape 2)

Supervisor Hudgins moved approval of the Proclamation to designate May as "*Older Americans Month*" in Fairfax County. Supervisor Bulova and Supervisor Connolly jointly seconded the motion and it carried by unanimous vote.

12. **10 A.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, REVISING THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (Tape 2)

- (O) (NOTE: The public hearing regarding this item was held on April 7, 2003, and decision deferred until April 28, 2003.)

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County, of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Article 10, Section 2, Subsection (d) Service Charges, to maintain the sewer service charges on a multi year basis as included in the proposed amendment. The effect of this adoption for Fiscal Year (FY) 2004 is a sewer service charge rate of \$3.03 per 1,000 gallons. This is an increase from the FY 2003 service charge of \$2.95 per 1,000 gallons. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1, (Sewer Availability Charges), Article 10, Section 2, Subsection (a) Availability Charges, to maintain the availability charges on a multi year basis as included in the proposed amendment. As a result

of this motion, the availability fee for a single family residence increases to \$5,431 from \$5,247 in FY 2003. Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

13. **10 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2004 BUDGET PLAN** (Tape 2)

(APRs) (O)

(FPRs)(R) (NOTE: The public hearing for this item was held on April 7-9, 2003, and decision scheduled for April 28, 2003.)

Real Property Tax Rate

Having provided public notice and a public hearing in accordance with Virginia Code §58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code §58.1-3321, Supervisor Bulova moved that the Board set the real property tax rate at \$1.16 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2003 will be reduced by \$0.05 from the present rate of \$1.21 per \$100 of assessed value. Supervisor Gross seconded the motion, which **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn voting "NAY."

FY 2004 Tax Rate Resolution

Having established the real property tax rate at \$1.16 per \$100 of assessed value in accordance with Virginia Code §58.1-3321, Supervisor Bulova moved adoption of the FY 2004 Tax Rate Resolution adopting tax rates for Fairfax County, as detailed in Attachment II of the Board Agenda Item dated April 28, 2003. Supervisor Connolly seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn voting "NAY."

FY 2004 Revenue Enhancements

Supervisor Bulova moved adoption of the following:

- Proposed amendments to the Code of the County of Fairfax as advertised:
 - Chapter 43.1 (Food and Food-Service Establishments), Section 43.1-5-1(C); Chapter 69.1 (Water Recreation Facilities Ordinance), 69.1-1-24(B); and Chapter 70 (Water), 70-1-4(C), 70-1-7, and 70-1-30 (for certain regulatory services provided by the Health Department).
 - Chapter 82 (Motor Vehicles and Traffic), Sections 82-5A-10 and 82-5A-11 (for administrative processing of residential parking district passes).
 - Chapter 61 (Building Provisions), Section 61-1-3, and Chapter 62 (Fire Protection), Section 62-2-8 (for reviewing plans by the Fire Marshal).
- Proposed amendments as advertised, with the revisions recommended by the County Executive:
 - Chapter 41 (Animals and Fowl), Sections 41-2-5 and 41-2-9 (for services provided by the Animal Shelter).
 - Chapter 4 (Taxation and Finance), the adoption of a new Article 25 in with a new section numbered 4-25-1 (to impose a ten percent tax on monthly local mobile telecommunications services at a rate of 10 percent with a maximum taxable monthly bill being \$30).
 - Chapter 4 (Taxation and Finance), the amendment as advertised with the maximum rate being reduced from \$3.00 to \$2.50, and Section 4-6.2-5 (to increase the E-911 tax from \$1.75 to \$2.50 per month).
 - Chapter 112 (Zoning Ordinance), those amendments as advertised for Section 18-106 with the maximum rate for the issuance of a Non-

Residential Use Permit fee being reduced from \$200 to \$40 (to increase existing zoning fees and to implement a Non-Residential Use Permit Fee of \$40 for each permit).

Following a brief discussion, Supervisor Connolly seconded the motion, which **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting “**AYE**,” Supervisor Frey and Supervisor Mendelsohn voting “**NAY**.”

FY 2004 Appropriation Resolution For County Agencies/Funds

Supervisor Bulova moved adoption of the FY 2004 Appropriation Resolution for County Agencies/Funds as reflected in Attachment III of the Board Agenda Item dated April 28, 2003. Supervisor Hyland seconded the motion and discussion ensued with input from Michael Kane, Director, Fairfax County Park Authority.

Supervisor Gross asked unanimous consent that the Board direct the Park Authority, in its review over the next 30 days, to report whether there is a liability issue in having volunteers working at a Park without an administrator present and whether that issue could be resolved to enable the use of experienced volunteers in the parks, especially at Hidden Oaks Nature Center, to eliminate the need for a paid staff member to be present at all times. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct Edward L. Long, Jr., Chief Financial Officer, to provide budget articles to the Office of Public Affairs for posting on the daily NewsLink and also to share them with the local media.

Following further discussion, with input from Mr. Kane, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting “**AYE**.”

FY 2004 Appropriation Resolution For School Board Funds

Supervisor Bulova moved adoption of the FY 2004 Appropriation Resolution for School Board Funds as reflected in Attachment IV of the Board Agenda Item dated April 28, 2003. Supervisor Connolly seconded the motion, which carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting “**AYE**.”

FY 2004 Fiscal Planning Resolution

Supervisor Bulova moved adoption of the FY 2004 Fiscal Planning Resolution as reflected in Attachment V of the Board Agenda Item dated April 28, 2003. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

(NOTE: Later in the meeting, the Board took additional action regarding the budget. See Clerk's Summary Item CL#16.)

14. **10 A.M. – BOARD DECISION ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2004**
(No Tape)

(NOTE: Later in the meeting the Board took action on this item. See Clerk's Summary Item CL#17.)

15. **10 A.M. – BOARD ADOPTION OF THE FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS (FY) 2004 - 2008 (WITH FUTURE FYs TO 2013)** (Tape 2)

(NOTE: The public hearing for this item was held on April 7-9, 2003, and decision scheduled for April 28, 2003.)

Supervisor Bulova moved adoption of the FY 2004 – FY 2008 Capital Improvement Program (CIP) (with future fiscal years to 2013), as amended on April 21, 2003. Supervisor Connolly seconded the motion.

Supervisor Hyland moved to amend the motion to modify the CIP in the out years to include a community recreation center to be co-located with a proposed teen center presently identified in the CIP to be located in South County. Supervisor Kauffman seconded the amendment and it carried by unanimous vote.

The question was called on the main motion, as amended, to adopt the FY 2004 – FY 2008 Capital Improvement Program (with future fiscal years to 2013) and it carried by unanimous vote.

16. **ADDITIONAL BUDGET ACTIONS** (Tape 2)

Supervisor Bulova raised the issue of the *2003 Community that Cares Youth Survey*. Because the survey will not be conducted and Members of the School

Board indicated an interest in performing an in-depth audit of school programs and school spending, she moved that the Board transfer the \$30,000 previously earmarked for the survey to the School Division for the audit. The School Board could provide the additional funds necessary. Supervisor Connolly seconded the motion.

Discussion ensued with input from Anthony H. Griffin, County Executive.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide copies of the revised questions that were proposed for the survey. Without objection, it was so ordered.

The question was called on the motion, which carried by unanimous vote.

Chairman Hanley thanked Supervisor Bulova again for her action and hard work as the Board's Budget Committee Chairman. She also expressed appreciation to Susan Datta, Director, Department of Management and Budget.

Supervisor Gross moved that the Board direct the County Executive to work with the Park Authority to find a creative way to provide the public drop-in component at Hidden Oaks Nature Center. Chairman Hanley seconded the motion, which carried by unanimous vote.

17. **10 A.M. – BOARD DECISION ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2004**
(Tape 2)

(NOTE: The public hearing for this item was held on April 7-9, 2003, and decision scheduled for April 28, 2003.)

Supervisor Bulova moved that the Board:

- Adopt the proposed Consolidated Plan One Year Action Plan for FY 2004.
- Authorize signature of the Consolidated Plan Certifications and federal funding application forms (SF424s) required by the US Department of Housing and Urban Development.

Supervisor Hyland seconded the motion and it carried by unanimous vote.

PW:pw

18. **BOARD RECESS** (Tape 3)

At 11:05 a.m. the Board recessed briefly, and at 11:20 a.m. reconvened with all Members being present, and with Chairman Hanley presiding.

19. **10:30 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)

(APPTS)
(BACs)

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)**CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment to the Alcohol Safety Action Program Local Policy Board:

- Ms. Laura Dawson as the MADD Representative

Supervisor Hudgins seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board.

ATHLETIC COUNCIL

Supervisor Kauffman moved the reappointment of Mr. Richard L. Combs as the Lee District Alternate Representative to the Athletic Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the appointment of Mr. Michael Congleton as the Springfield District Alternate Representative to the Athletic Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Athletic Council:

- Ms. Deborah B. Honaker as the Youth and Adult Soccer Council Alternate Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Mr. Mark Abbott as the Sully District Alternate Representative to the Athletic Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Women's Sports Association Alternate Representative to the Athletic Council.

AUDIT COMMITTEE

The Board deferred the appointment of the At-Large #1 Representative to the Audit Committee.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large (Minority) Representative and the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Gross moved the appointment of Mr. Tom Fox to fill the unexpired term of Mr. Leo Suslow as the Mason District Representative to the Community Action Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's Representative and the Dranesville and Hunter Mill District Representatives to the Community Action Advisory Board.

COMMUNITY CRIMINAL JUSTICE BOARD

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment to the Community Criminal Justice Board:

- The Honorable Gayl Branum Carr as the Juvenile and Domestic Relations District Court Judge Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #7 and #12 Representatives to the Consumer Protection Commission.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Mendelsohn moved the reappointment of Mr. Arthur J. Kerns, Jr. as the Dranesville District Representative to the Criminal Justice Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATIONS:

Supervisor Connolly moved the confirmation of the following appointments to the Criminal Justice Advisory Board:

- The Honorable Claude J. Beheler as the Chief Magistrate Representative
- Ms. Barbara A. Kenney as the Circuit Court Alternate Representative
- The Honorable John T. Frey as the Clerk of Circuit Court Representative
- The Honorable Robert F. Horan, Jr. as the Commonwealth Attorney Representative
- Mr. Raymond F. Morrogh as the Commonwealth Attorney Alternate Representative
- Mr. Robert M. Ross as the County Attorney Representative
- Dr. Cindy Koshatka as the Fairfax-Falls Church Community Services Board Representative
- Ms. Priscilla Davis as the General District Court Services Representative
- Mr. James S. Dedes as the Juvenile and Domestic Relations District Court Representative

- Mr. Martin Lester as the Office of Public Defender Representative
- Mr. Davis J. Ferris as the Police Department Representative
- First Lieutenant Jane Ann Corcoran as the Sheriff's Office Representative

Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Mason, and Springfield District Representatives to the Criminal Justice Advisory Board.

ENGINEERING STANDARDS REVIEW COMMITTEE

CONFIRMATION:

Supervisor Mendelsohn moved the confirmation of the following appointment to the Engineering Standards Review Committee:

- Mr. Bruce E. Titus as the Fairfax Bar Association Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Hudgins moved the appointment of Mr. Aaron D. Gray to fill the unexpired term of Mr. J. Neel Ellis as the Hunter Mill District Representative to the Fairfax Area Disability Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative to the Fairfax Area Disability Services Board.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Hyland moved the confirmation of the following appointments to the Fairfax Community Long Term Care Coordinating Council:

- Verdia L. Haywood, Deputy County Executive, as the County Executive Representative
- Ms. Micki Gordon as a Business Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

Supervisor Gross noted the difficulty in filling the vacant seats on this board and therefore asked unanimous consent that the Board direct staff to provide background including the requirement for having such a board. Without objection, it was so ordered.

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

FAIRFAX COUNTY SMALL BUSINESS COMMISSION

Chairman Hanley moved the appointment of Mr. Thomas S. Kim to fill the unexpired term of Ms. Bano Makhodoom as the At-Large #3 Representative to the Fairfax County Small Business Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the At-Large #1 Chairman's Representative to the Fairfax-Falls Church Community Services Board.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative to the Health Care Advisory Board.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen/Minority Representative to the History Commission.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #7 Representative to the Human Rights Commission.

HUMAN SERVICES COMMISSION

Supervisor Hyland moved the appointment of Colonel Marion "Barney" L. Barnwell to fill the unexpired term of Ms. Geraldine B. Pogue as the Mount Vernon #2 Representative to the Human Services Commission. Chairman Hanley seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mason District #2 Representative to the Human Services Commission.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the At-Large Chairman's Representative and the Hunter Mill District Representative to the Oversight Committee on Drinking and Driving.

POLICE OFFICERS RETIREMENT SYSTEM BOARD

The Board deferred the appointment of the Citizen At-Large #2 Representative to the Police Officers Retirement System Board.

REDEVELOPMENT AND HOUSING AUTHORITY

Supervisor Bulova moved the reappointment of Mr. Ronald F. Christian as the Braddock District Representative to the Redevelopment and Housing Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn moved the reappointment of Mr. Martin R. Dunn, Jr. as the Dranesville District Representative to the Redevelopment and Housing Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

SECURITY ALARM SYSTEMS COMMISSION**CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment to the Security Alarm Systems Commission:

- Debra S. Olson, Supervisor, False Alarm Reduction Unit, as the Police Department Representative

Supervisor Hudgins seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Condominium and Tenant Member #3 Representatives to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Sully District Representative to the Transportation Advisory Commission.

DS:ds

20. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Frey called the Board's attention to Admin 14 – Supplemental Appropriation Resolution AS 03089 for the Fire and Rescue Department to Accept an Award from the US Agency for International Development to Provide Support for a Program in International Urban Search and Rescue. Discussion ensued with input from Battalion Chief Dewey H. Perks, US&R Program Manager, Fire and Rescue Department.

The question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

**ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 03091 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT AND
THE OFFICE OF THE SHERIFF TO ACCEPT A FISCAL YEAR 2003
TRI-STATE REIMBURSEMENT PROGRAM GRANT FROM THE
VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS)**

(SAR) Approved SAR AS 03091 in the amount of \$365,891 from DCJS. This grant will provide \$348,806 to the Police Department, and \$17,085 to the Office of the Sheriff. No local cash match is required.

**ADMIN 2 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE
DEPARTMENT (FCPD) TO SUBMIT AN APPLICATION TO THE
VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) FOR A
HIGHWAY INCIDENT RESPONSE TRAILER GRANT**

Authorized the FCPD to apply to the DMV for a grant in the amount of \$19,100 to purchase equipment necessary to respond effectively to highway incidents. A local in-kind match will be required, however, no local cash match is required.

**ADMIN 3 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE
DEPARTMENT (FCPD) AND THE FAIRFAX COUNTY OFFICE OF THE
SHERIFF (OS) TO APPLY TO THE BUREAU OF JUSTICE
ASSISTANCE (BJA) FOR GRANT FUNDING FOR THE PURCHASE OF
BULLETPROOF VESTS**

Authorized the FCPD and the OS to apply for a grant from BJA in the amount of \$104,192. This grant will consist of \$52,096 from BJA and a 50 percent local cash match of \$52,096.

**ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC
FACILITY REVIEW APPLICATIONS (DRANESVILLE AND MOUNT
VERNON DISTRICTS)**

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application 2232-D02-19 to October 27, 2003
- Application FS-V03-5 to October 27, 2003

ADMIN 5 – INSTALLATION OF MULTI-WAY STOPS FOR WAVERLY WAY AT RIDGE STREET, AND SHELLEY LANE AT WOODBINE LANE (DRANESVILLE AND MASON DISTRICTS)

- Endorsed the installation of multi-way stops as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Waverly Way and Ridge Street (Dranesville District)
 - Shelley Lane and Woodbine Lane (Mason District)
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Culmore RPPD, District 9. The proposed district expansion includes the following street blocks:

- Leesburg Pike Service Drive (Route 985) from Glen Carlyn Road (Route 714) to the end
- Fairview Place (Route 982) from Glen Carlyn Road to the end

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03093 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), OFFICE OF EMERGENCY MANAGEMENT (EM), TO ACCEPT A FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) STATE AND LOCAL ALL HAZARDS EMERGENCY OPERATIONS PLANNING GRANT FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

- (SAR) Approved SAR AS 03093 in the amount of \$185,770 for the FCPD to accept FEMA funds from the VDEM to enhance local emergency operations planning. No local cash match is required.

**ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 03092 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT
(FCPD), OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT A US
DEPARTMENT OF JUSTICE (DOJ) STATE DOMESTIC
PREPAREDNESS EQUIPMENT GRANT FROM THE VIRGINIA
DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)**

- (SAR) Approved SAR AS 03092 in the amount of \$507,121 for the FCPD to accept DOJ funds from VDEM to enhance the operation readiness of County agencies to respond to incidents involving weapons of mass destruction. No local cash match is required.

**ADMIN 9 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE AND HUNTER MILL DISTRICTS)**

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Timber Knoll	Dranesville	Timber Knoll Court Sugarland Road Route 604 Additional ROW Only
McNair Farms West Section 1	Hunter Mill	McNair Farms Drive Route 8728 McNair Farms Drive Route 8728 Additional ROW Only McNair Farms Drive Route 8728 Additional ROW Only

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY
FOR THE CONSTRUCTION OF THE POHICK SANITARY SEWER
TRUNK LINE (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 19, 2003, at 4 p.m.** on the acquisition of certain land rights necessary for the construction of the Pohick Sanitary Sewer Trunk Line as part of Project X00906, Sewer Line Enlargement in Fund 402, Sewer Construction Improvements.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 68 (INDIVIDUAL SEWAGE DISPOSAL FACILITIES)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 19, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 68 (Individual Sewage Disposal Facilities).

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 19, 2003, at 4:30 p.m.** to solicit comments and input on proposed Fiscal Year 2004 Transportation Enhancement Projects.

ADMIN 13 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-Y-011, RAINBOW DAY CARE CENTER, INCORPORATED (SULLY DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 00-Y-011 to February 7, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 14 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03089 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT AN AWARD FROM THE US AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) TO PROVIDE SUPPORT FOR A PROGRAM IN INTERNATIONAL URBAN SEARCH AND RESCUE

- (SAR) (NOTE: Earlier in the meeting there was discussion regarding this item. See page 16.)

Approved SAR AS 03089 for FRD to accept an assistance agreement and grant funds in the amount of \$444,494 from USAID. Funds are to be used to provide urban search and rescue services and technical assistance for USAID. Funding of \$380,790 will be provided by USAID, while the remaining \$63,704 reflects the required local cash match.

ADMIN 15 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO APPLY FOR A GRANT FROM THE DEPARTMENT OF EDUCATION (DOE) FOR FUNDS TO PROVIDE SCHOOL-AGE CHILDREN WITH DISABILITIES WITH RECREATIONAL ACTIVITIES THAT AID IN THEIR COMMUNITY INTEGRATION

Authorized CRS to apply for the DOE grant funds in the amount of \$133,530. The grant application covers three years, with \$72,223 being applied for in the second year, and \$60,822 in the third year. No local cash match is required.

21. **A-1 – AUTHORIZATION TO ALLOW THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO SUBMIT APPLICATIONS FOR A SPECIAL EXCEPTION AMENDMENT AND A 15.2-2232 DETERMINATION AS AGENT FOR THE FAIRFAX COUNTY BOARD OF SUPERVISORS FOR THE PROPOSED EXPANSION OF THE LEWINSVILLE CENTER AT 1609 GREAT FALLS STREET, MCLEAN (DRANESVILLE DISTRICT)** (Tape 4)

On motion of Supervisor Mendelsohn, jointly seconded by Supervisor Connolly and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive, acting in its capacity as property owner, to allow the FCRHA to submit applications for a Special Exception Amendment and a 15.2-2232 application as agent for the Board, the title owner of the affected property, for the proposed expansion of the Lewinsville Center.

22. **A-2 – SALE OF GENERAL OBLIGATION BONDS, SERIES 2003B**
(Tape 4)

(R)

Bonds

Chairman Hanley called the Board Members' attention to their red folders and noted that they contained an updated Attachment Four for this item.

Supervisor Connolly moved that the Board concur in the recommendation of staff and adopt the Resolution:

- Authorizing the issuance of the General Obligation Bonds which also authorizes the execution and delivery of a Continuing Disclosure Agreement.
- Delegating the County Executive or the Chief Financial Officer authority to award the bonds to the best bidder.
- Approving the form of the notices of sale and the Official Statement.

- Authorizing the Chairman to sign the Official Statement.

The winning bid must offer the lowest true interest cost, and the true interest cost rate must not exceed 5.25 percent per annum.

Supervisor Bulova seconded the motion.

Following discussion, with input from Edward L. Long, Jr., Chief Financial Officer, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

23. **A-3 – APPROVAL OF A MAINTENANCE AGREEMENT BETWEEN THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AND SPRINGFIELD EAST, LC TO MAINTAIN AN ACCESS ROAD TO THE JOE ALEXANDER TRANSPORTATION CENTER (LEE DISTRICT)** (Tape 4)

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#73.)

24. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-H03-2, FAIRFAX COUNTY PARK AUTHORITY (HUNTER MILL DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated April 28, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-H03-2, Fairfax County Park Authority.

25. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-P02-20, FAIRFAX COUNTY PARK AUTHORITY (PROVIDENCE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated April 28, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-P02-20, Fairfax County Park Authority.

26. **I-3 – CONTRACT AWARD – POPES HEAD CREEK WATERSHED MANAGEMENT PLAN** (Tape 4)

The Board next considered an item contained in the Board Agenda dated April 28, 2003, requesting authorization for staff to award a contract to AMEC Earth and

Environmental, Incorporated, in the amount of \$791,061.08 for consulting engineering services for the Popes Head Creek Watershed Management Plan.

The staff was directed administratively to proceed as proposed.

27. **I-4 – CONTRACT AWARD – HIDDEN POND PARK PEDESTRIAN BRIDGE AND ASPHALT TRAIL (SPRINGFIELD DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated April 28, 2003, requesting authorization for staff to award a contract to Finley Asphalt and Sealing, Incorporated, in the amount of \$189,252 for the construction of Hidden Pond Park Pedestrian Bridge and Asphalt Trail, funded by Project 474698, Trail and Stream Crossing Improvements, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

28. **I-5 – CONSOLIDATED PLAN CERTIFICATION FOR PRS, INCORPORATED, WITH ROBERT PIERRE JOHNSON HOUSING DEVELOPMENT CORPORATION** (Tape 4)

The Board next considered an item contained in the Board Agenda dated April 28, 2003, requesting authorization for the County Executive to sign the Consolidated Plan certification and provide it to the nonprofit organization known as PRS, Incorporated, for inclusion with its application to the US Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

29. **I-6 – CONTRACT AWARD – BUS STOP INVENTORY AND SAFETY STUDY** (Tape 4)

The Board next considered an item contained in the Board Agenda dated April 28, 2003, requesting authorization for staff to award a contract to PBS&J, in the amount of \$1,267,589 for the Countywide Bus Stop Inventory and Safety Study.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

30. **SATELLITE SCHOOLS** (Tape 4)

Chairman Hanley said that across the country several jurisdictions are meeting increased school space requirements, particularly for grades K-3, with public private partnerships called satellite schools. She said the idea for satellite schools

originated in Dade County, Florida, in the 1980s. It was developed in response to overcrowding. In that public private partnership, businesses provided the classroom space and related operational services and the school system provided teachers, instructional materials, and related educational program services.

With reference to her written Board Matter, she noted a copy of legislation passed in the 2002 session of the General Assembly to provide incentives for such programs.

Chairman Hanley said the County continues to look for innovative ways to provide classroom space. The proposed South County High School at Laurel Hill is an exciting example of an innovative public private partnership. However, finding additional space for kindergarten and primary grade students is also important, particularly with the new federal No Child Left Behind requirements.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite the School Board to join in directing the County Executive and the Superintendent of Schools to work to develop a framework for creating satellite schools in the County, and have them report to both Boards with a proposal. Supervisor Kauffman seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

31. **SUICIDE PREVENTION WEEK** (Tape 4)

Chairman Hanley stated that CrisisLink, a comprehensive suicide and crisis prevention organization, has requested that the County recognize the national observance of Suicide Prevention Week. Accordingly, she moved that the Board direct staff to invite the appropriate representatives to appear before the Board at the May 5, 2003, meeting to receive a proclamation declaring May 4 - 10, 2003, as "*Suicide Prevention Week*" in Fairfax County. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

32. **PROJECT DISCOVERY DAY** (Tape 4)

Chairman Hanley stated that Project Discovery, a dropout prevention and college access preparatory program, will honor outstanding graduating seniors throughout Virginia who have completed the program. The recognition banquet for the Statewide recipients will be held in Herndon on May 22, 2003.

Therefore, Chairman Hanley moved that the Board direct staff to prepare and send a proclamation declaring May 22, 2003, as "*Project Discovery Day*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

33. **CONTRIBUTIONS TO PARK FOUNDATION, LIBRARY FOUNDATION, AND THE SCHOOL FOUNDATION** (Tape 4)

Chairman Hanley said that at its February 10, 2003, meeting the Board requested that information be inserted in a Department of Taxation mailing to provide citizens with information on how to contribute to the Park Foundation, the Library Foundation, and the School Foundation. As a follow up to the recent mailings, she asked unanimous consent that the Board direct staff to provide a report of the responses generated for each of the foundations, as well as information on current contributions to the open space acquisition fund. Without objection, it was so ordered.

34. **SNOW REMOVAL ORDINANCE** (Tape 4)

(BACs) Chairman Hanley said she received a letter from the Non-Motorized Transportation (Trails) Committee requesting that the County look into adopting a Snow Removal Ordinance. Although the creation of such an ordinance has been examined by the County in the past, the Trails Committee has made several recommendations that may merit another look at its feasibility. Additionally, this winter's harsh weather showed that while the County has made great progress in snow removal since the "Blizzard of '96" there are several areas of snow removal that can be improved, particularly related to pedestrian facilities and snow removal.

Therefore, Chairman Hanley asked unanimous consent that the Board direct staff to review the Trail's Committee's recommendations, particularly the recommendation for County maintenance staff to clear snow from sidewalks along the perimeter of the property, and provide the Board with its findings. Without objection, it was so ordered.

Following discussion, Supervisor Connolly asked unanimous consent that the schools be included in the survey. Without objection, the request was so ordered.

35. **TRAILS** (Tape 4)

Chairman Hanley stated that in certain development cases the County grants a trail waiver for a project in lieu of having the developer construct the sidewalk or trail that is called for as part of the comprehensive plan. When trail waivers are granted, money equivalent to the estimated cost of constructing the sidewalk or trail segment is put into escrow for future construction. In some cases, however, due to inflation or other cost considerations, the amount escrowed for trail construction does not fully cover the cost of construction by the time it is feasible to construct the sidewalk or trail segment.

Therefore, Chairman Hanley moved that the Board direct staff to investigate and provide the following:

- The number of trail waivers granted as part of rezoning or other development applications.
- The percentage of cases in which trail waivers are granted.
- The process by which cost estimates are developed for escrowed funds.

Supervisor Hudgins seconded the motion.

In reference to bullet number three, Supervisor Hudgins asked to amend the motion to direct staff to include an evaluation as to whether telecommunication facilities are there. This was accepted.

Supervisor Frey asked to amend the motion to direct staff to provide a report regarding whether proffered trail money can be put into an escrowed fund so that if that particular trail is not built it can be used for another trail. This was accepted.

With reference to bullet number one, Chairman Hanley clarified that her motion includes direction for staff to provide:

- The criteria being used for granting waivers.
- The number of trail "**and sidewalk**" waivers...

Chairman Hanley clarified that the timeframe for the data requested in her main motion should be from 1985 to present.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Connolly asked unanimous consent that the Board direct staff to provide information regarding whether there are recommendations for legislative relief that might allow the County to tap into disparate funds.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide the following:

- What are the methods for tapping into disparate funds? (legislative change, tracking down the owners, etcetera)

Following further discussion, the question was called on the motion, as amended, and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

36. **PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT
PLAN AMENDMENT APPLICATION PCA/FDPA 2000-SU-050
(SPRINGFIELD DISTRICT)** (Tape 4)

Supervisor McConnell stated that The Ryland Group has filed a subdivision plan pursuant to a rezoning application for a single-family detached development. The subdivision shifted an inter-parcel access public road connection and determined it needs to be the subject of a proffered condition amendment and final development plan amendment application to be in conformance with the proffers.

Because the County owns the underlying fee for the road providing the inter-parcel connection to be vacated and/or abandoned, the Board must concur in the filing of Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2000-SU-050. The applicant understands this motion will not prejudice the consideration of the application in any way.

Therefore, Supervisor McConnell moved that the Board concur in the filing of Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2000-SU-050. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

37. **SPECIAL EXCEPTION APPLICATION SE 2002-SP-048 (SPRINGFIELD
DISTRICT)** (Tape 4)

Supervisor McConnell said that 11725 Lee Highway LLC has submitted Special Exception Application SE 2002-SP-048. She said the application is for a child care center and it has the support of the Springfield District Land Use Committee; however, it was necessary to defer the application due to the unresolved issue of inter-parcel access with the application property's surrounding neighbors. The applicant has agreed to provide connections necessary for inter-parcel access; however, the location and configuration of those access points are contingent upon resolution between the two neighboring properties, each residential developments approved by the Board.

Supervisor McConnell moved that the Board direct staff to schedule a public hearing to be held before the Board on June 16, 2003, for Special Exception Application SE 2002-SP-048. Supervisor Connolly seconded the motion and it carried by unanimous vote.

This motion does not relieve 11725 Lee Highway LLC of its obligation to comply with the requirements of the Zoning Ordinance and other regulations not

expressly waived by the Board or staff. Moreover, in no way does this motion prejudice staff, the Planning Commission, or the Board's reviews of the applications.

NV:mv

38. **CONSTRUCTION ACCESS TO WEST FALLS CHURCH METRORAIL STATION (DRANESVILLE DISTRICT)** (Tape 5)

Supervisor Mendelsohn reminded the Board that Metro will be constructing a parking structure on the south side surface lot at the West Falls Church Metrorail Station. A major community concern is construction truck traffic to and from the site and the impact of that traffic on surrounding neighborhoods. In response to this concern, Metro is requesting permission from the Virginia Department of Transportation (VDOT) for construction trucks to use the I-66 eastbound entrance ramp from Route 7 eastbound to the point of entry to the Metro site access road.

Accordingly, Supervisor Mendelsohn moved that the Board support Metro's request and direct the Chairman to send a letter to Commissioner Shucet requesting VDOT's favorable action on this request. Supervisor Kauffman seconded the motion.

Following a brief discussion regarding the urgency of this request, the question was called on the motion, which carried by unanimous vote.

39. **GREAT FALLS ELEMENTARY SCHOOL CELEBRATES ITS FIFTIETH ANNIVERSARY (DRANESVILLE DISTRICT) AND 9 A.M. START FOR MAY 5, 2003, BOARD MEETING** (Tape 5)

Supervisor Mendelsohn announced that the Great Falls Elementary School will be commemorating its fiftieth anniversary with a week of celebration from May 4-12, 2003. Originally named the Forestville School, the facility was built in 1953 to meet the needs of a growing community.

After noting the myriad of celebratory events, Supervisor Mendelsohn invited Board Members to participate in the festivities and he expressed appreciation to the Great Falls Elementary School staff, PTA, and citizens for making a difference in the community.

In recognition of the event, Supervisor Mendelsohn moved that the Board direct staff to invite representatives of the Great Falls Elementary School administration and PTA to appear before the Board on May 5, 2003, to congratulate the school on the occasion of its fiftieth anniversary. Supervisor Connolly seconded the motion.

Following discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, Chairman Hanley announced that the meeting of May 5 will begin at 9 a.m.

The question was called on the motion, which carried by unanimous vote.

40. **INSPECTOR GENERAL** (Tape 5)

Supervisor Connolly called the Board's attention to copies of his correspondence with the County Executive regarding the powers of an inspector general and how they would differ from those of the Board's Financial and Program Auditor. He noted that the Police Department conducts criminal investigations.

41. **LIAISON TO FALLS CHURCH WATER AUTHORITY** (Tape 5)

Supervisor Connolly said that it had been called to his attention that the Fairfax County Water Authority (FCWA) allows for liaisons from other jurisdictions, in which water service is provided, to sit as non-voting members on the FCWA Board of Directors. The liaisons are intended to serve as consumer advocates. He said that he was surprised to learn that the County does not have such a representative to represent 110,000 County consumers with the Falls Church Water Department.

Therefore, Supervisor Connolly moved that the Board direct the County Executive to take the necessary steps to name a Fairfax County liaison to represent County interests with respect to the Falls Church Water Authority Department. Supervisor Gross seconded the motion.

Supervisor Connolly also referenced copies of a letter from the County Executive to the Falls Church City Manager dated April 4, 2003, regarding proposed City of Falls Church water rates and discussion ensued with input from Anthony H. Griffin, County Executive.

Supervisor Connolly expressed appreciation to the Mayor and Members of the Falls Church City Council for considering the Board's concerns regarding a differential rate.

Supervisor Frey asked unanimous consent that the Board direct staff to provide details of the role of the FCWA non-voting liaison. Without objection, it was so ordered.

Following discussion, with input from Mr. Griffin, Supervisor Mendelsohn asked to amend the motion to request the City of Falls Church to notify the Board as well as all rate payers of public hearings on proposed rate changes, and this was accepted.

Following further discussion, with input from Mr. Griffin, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the requirements facing those systems served by the Washington Aqueduct and the associated long term costs. Following input from Mr. Griffin, without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following further discussion, the question was called on the motion, as amended, and it carried by unanimous vote.

42. **INFORMATION DISSEMINATION NEEDED** (Tape 5)

Supervisor Connolly said that a homeowner association in the Providence District informed him of an error in the tax records. According to the constituent, the association received a Health Department notice of violation addressed to a past association president. That past president had not lived in the association or been an association president for nearly 20 years. According to the Health Department, the information was obtained from the Department of Tax Administration records of ownership of common property. Supervisor Connolly stated that he also learned that there is no current mechanism for the Office of Public Affairs to share its information on associations for the update of tax records. He expressed concern that the information that should be available to the different County agencies is not being shared.

Therefore, Supervisor Connolly moved that the Board direct the County Executive to direct the Office of Public Affairs to survey all County agencies to determine which agencies need updated homeowner or civic association information for the conduct of County business, and that it be provided. Chairman Hanley seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to request the district Supervisors to share their updates with the Office of Public Affairs, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Discussion ensued, with input Merni Fitzgerald, Director, Office of Public Affairs.

Supervisor Kauffman asked to amend the motion to direct staff to provide a contact name for homeowners associations when providing notifications of builders satisfying their bonds, and this was accepted.

Following further discussion, the question was called on the motion, and it carried by unanimous vote.

43. **2003 TEACHER OF THE YEAR (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly announced that Ms. Inge Pisano, who teaches French and German at Oakton High School, has been named Fairfax County Public Schools Teacher of the Year.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to invite Ms. Pisano to appear before the Board to be honored for this achievement. Without objection, it was so ordered.

44. **REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) CONSIDER ACCEPTING MAINTENANCE RESPONSIBILITY FOR FIRE STATION WARNING SIGNALS** (Tape 5)

Supervisor Connolly stated that he learned from his experience with Fire Station 30 that some of emergency traffic signals at all fire stations across the County are not maintained by VDOT. Currently the County, through the purchasing section of the Department of Fire and Rescue, pays a contractor to install and maintain these signals. This has proven to be problematic when maintenance or adjustments to the signals are required. He said that the signal located at Merrifield Fire Station 30 on Lee Highway in Merrifield has functioned incorrectly for some time because the contractor, who apparently has limited experience with these signals, has been unable to properly position the adjustable lenses. In addition, the control cabinet was vandalized with graffiti and it has taken a considerable amount of time for the contractor to remove it.

Supervisor Connolly said that VDOT has a team of dedicated signal maintenance engineers who have the capability and expertise to service and maintain these signals. In fact, VDOT has agreed to help the contractor properly adjust the signal in front of Station 30.

Because it may be more effective and efficient for VDOT to maintain these signals once the County installs them, Supervisor Connolly moved that the Board direct the County Executive:

- Along with appropriate staff from the Department of Transportation and the Department of Fire and Rescue to contact VDOT about accepting maintenance responsibility for these signals.

- To identify how much money could be saved by transferring maintenance responsibility of these signals to VDOT.

Chairman Hanley seconded the motion and it carried by unanimous vote.

Discussion continued briefly.

45. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (Tape 5)

Supervisor Bulova announced that she had no Board Matters to present today.

46. **DIRECTIONAL SIGNS FOR SOUTH LAKES HIGH SCHOOL (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins stated that the South Lakes High School PTA approached the Virginia Department of Transportation (VDOT) requesting the installation of directional signs to the high school. In particular, the PTA would like for the signs to mention that South Lakes High School is home to the Seahawks.

Supervisor Hudgins stated that VDOT staff indicated that the locations the PTA is requesting, South Lakes Drive at Reston Parkway and Sunrise Valley Drive, are not appropriate and VDOT staff does not deem the sign appropriate at all. VDOT, however, does provide directional signs along roadways and provides signs to high schools.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to work with VDOT staff to address this issue.

Following discussion, without objection, the request was so ordered.

47. **MENTAL HEALTH AWARENESS MONTH** (Tape 5)

Supervisor Hudgins said that the Northwest Center for Community Mental Health seeks to promote individual and community well-being by reducing mental illness, emotional disturbance, and acute emotional distress and she described its services and goals. It is just one example of an organization working to meet the mental health needs of adults and children.

Accordingly, Supervisor Hudgins moved that the Board direct staff to invite representatives of Northwest Center for Community Mental Health to appear before the Board on May 5, 2003, to receive a proclamation declaring the month of May as "*Mental Health Awareness Month*" in Fairfax County. Supervisor Bulova seconded the motion, which carried by unanimous vote.

PMH:pmh

48. **ENTERPRISE RENT-A-CAR (SULLY DISTRICT)** (Tape 6)

Supervisor Frey said that Enterprise Rent-A-Car has filed a special exception request to establish a vehicle rental establishment in Chantilly, near the Dulles Expo Center. The acceptance of the application was delayed for unforeseen reasons, and, as a result of the market, Enterprise has been paying rent on the facility since the signing of the lease. The Planning Commission hearing has been scheduled for July 9, 2003. The applicant has requested that the Board authorize a date certain for the Board public hearing on the special exception.

Therefore, Supervisor Frey moved the Board authorize the advertisement of a public hearing to be held before the Board on July 21, 2003. The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

49. **OMR, LLC - REZONING APPLICATION RZ 2002-SU-039 (SULLY DISTRICT)** (Tape 6)

Supervisor Frey said that OMR, LLC has filed a rezoning application that is identified as Rezoning Application RZ 2002-SU-039. The applicant has prepared numerous revisions to its development plan to address issues identified by the Planning staff and the surrounding community. As a result, the Planning Commission public hearing was deferred. It is anticipated that the application will receive a favorable recommendation from staff and from the Western Fairfax County Citizens Association. The applicant has requested concurrent processing to allow for the submission of engineered drawings prior to a final determination on the application by the Board. This will allow the developer to proceed to construction as quickly as possible.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of the zoning and subdivision plans for Rezoning Application RZ 2002-SU-039. The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Supervisor Connolly seconded the motion and it carried by unanimous vote.

50. **BOY SCOUT TROOP 893 – FLEA MARKET** (Tape 6)

Supervisor Frey announced that Boy Scout Troop 893 held its annual flea market recently. He noted that previously the Board waived the landfill fees.

Therefore, Supervisor Frey moved that the Board waive any landfill fees for Boy Scout Troop 893. Supervisor Bulova seconded the motion and it carried by unanimous vote.

51. **NEW SULLY DISTRICT OFFICE** (Tape 6)

Supervisor Frey announced that his office has been relocated to the new Sully District Governmental Center. The new location and mailing address is 4900 Stonecroft Boulevard, Chantilly, Virginia, 20151. The main telephone, TTY, and fax numbers for Supervisor Frey's office changed on April 23. To reach the new office, call 703-814-7100, TTY 703-814-7109, or fax 703-814-7110.

Supervisor Frey said that the official building dedication will be held on June 14, 2003.

A brief discussion ensued.

52. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-013 (MASON DISTRICT)** (Tape 6)

Supervisor Gross announced that later in the meeting, at the appropriate time, the public hearing on Special Exception Application SE 2002-MA-013 will be deferred.

(NOTE: Later in the meeting the public hearing was formally deferred. See Clerk's Summary Item CL#98.)

53. **PUBLIC SERVICE WEEK** (Tape 6)

Supervisor Gross said that Public Service Week will be celebrated this year during the week of May 5. Since 1985, time has been set aside each year to honor the men and women who serve America as federal, state, and local government employees. It is appropriate to pause and reflect about the many ways which government serves the people and how government services make life better for everyone.

To acknowledge and celebrate the efforts and contributions of all County government employees, Supervisor Gross moved that a proclamation be prepared to declare the week of May 5, 2003, as "*Public Service Recognition Week*" in Fairfax County, and that the appropriate County representatives be invited to appear before the Board to receive the proclamation on May 5. Supervisor Bulova seconded the motion and it carried by unanimous vote.

54. **GEORGE MASON REGIONAL LIBRARY (MASON DISTRICT)** (Tape 6)

Jointly with Supervisor Bulova, Supervisor Gross said that a community celebration is scheduled for Saturday, May 17, 2003, to celebrate the fifth anniversary of the re-opening of the George Mason Regional Library. She added that major renovations were accomplished ahead of schedule and under budget, and several community organizations are sponsoring the celebration.

Supervisor Gross noted that under regular Library Board policy, vendor sales are not permitted on library property, including the parking lot. Organizers have no way to feed the hundreds of people who will attend the Annandale celebration without assistance from the Library Board.

Therefore, Supervisor Gross moved that the Board direct the Library Board to waive the policy regarding vendor sales on library property for May 17, 2003, at that location so that the Annandale celebration can proceed. Supervisor Connolly seconded the motion and it carried by unanimous vote.

55. **STROKE AWARENESS DAY** (Tape 6)

Supervisor Gross said that stroke is the leading cause of disability and the third leading cause of death in Northern Virginia. The American Heart Association and Inova Health Systems, through the Operation Stroke campaign, is working to increase awareness of stroke warning signs, and will sponsor "*Stroke Awareness Day*" in Fairfax County on May 17.

To support Stroke Awareness Day and increase the understanding of stroke's warning signs, Supervisor Gross moved that the Board direct staff to invite the organizers of the event to receive a proclamation at the Board meeting scheduled for May 5. Supervisor Connolly seconded the motion and it carried by unanimous vote.

56. **CLEAN WATER PARTNERSHIP** (Tape 6)

Supervisor Gross said that the County received designation as a clean water partner from the Environmental Protection Agency.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite the appropriate individuals to appear before the Board to be recognized for the Clean Water Partnership. Without objection, it was so ordered.

A brief discussion ensued.

57. **BUDGET CONSIDERATION ITEM - HYBLA VALLEY ELEMENTARY SCHOOL (LEE DISTRICT)** (Tape 6)

Supervisor Kauffman said that Hybla Valley Elementary's children are facing an uphill battle that has captured his attention and the focused efforts of the Department of Systems Management for Human Services, the Office of Partnerships, and Win-Win Strategies, a private contributor.

Supervisor Kauffman noted that income challenges at Hybla Valley are significant with greater than 90 percent of the children participating in the free and reduced lunch program. There is no "majority" with 92 percent of the student's being non-white and nearly 40 percent receiving ESOL instruction. The school did receive a Gold Medal Award for progress in SOL's the year before last but is not yet fully accredited and is losing ground with a 26 to 28 percent transient population.

Supervisor Kauffman said that beyond this snapshot, the larger concern is long-term and additive. Sandburg Middle School usually receives its largest number of rising seventh graders from Hybla Valley. It has been noted that academic challenges for these students are significantly greater than for Sandburg's other "feeder" schools with over 60 percent of the students coming from Hybla Valley not reading at grade level.

Supervisor Kauffman said that School and County staff have identified Hybla Valley as their priority site for locating a Computer Learning Center (CLC). In addition to responding to the school's core challenges, it is ideally located for access by the community at large. It could provide the elementary school children with a technology lab; critically needed after-school support; and fill a significant gap in the community for middle and high school students who have limited access to technology and few options within walking distance from their homes.

A CLC was established at Mount Vernon Woods Elementary (a school with similar challenges two years ago) and has demonstrated great success through increased SOL scores and in promoting greater community involvement at the school.

Supervisor Kauffman said that he will be reallocating monies from trail funding in Lee District to fund the lion's share of the construction costs. Senior Fairfax County School staff has committed to the remaining infrastructure and renovation costs. Lori Mody, the Founder of Win-Win strategies Foundation, in concert with Bob Kelly, late of the Public Schools Foundation, has pooled the funding originally committed to fund two new centers to make this one center happen. They are doing this through an ongoing commitment of \$35,000 in operating costs and an additional \$15,500 for the start-up balance. What remains is the

balance of the operating costs which, in this type of public-private partnership, the County provides.

Given the level of financial commitment the Board has been able to obtain from the schools and the private sector, Supervisor Kauffman moved that the Board direct staff to include the needed \$70,000 in staff operating costs as a Consideration Item with the Fiscal Year 2003 Carryover Budget review. Supervisor Hyland seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

58. **SPRINGFIELD DAYS** (Tape 6)

Jointly with Supervisor McConnell, Supervisor Kauffman announced that this year will be the fifteenth annual Springfield Days celebration, running from Thursday, May 29 through Sunday, June 1.

Supervisor Kauffman noted that each year the celebration, which is sponsored by the Greater Springfield Chamber of Commerce and Fairfax County Park Authority, grows bigger and better and this year is no exception.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to:

- Prepare a proclamation declaring May 29 - June 1, 2003, as "*Springfield Days in Fairfax County.*"
- Invite Ms. Darcy Whalen and her Springfield Days committee to the May 5, 2003, Board meeting to be recognized and to receive the proclamation.

Without objection, it was so ordered.

59. **FIFTIETH ANNIVERSARY OF SPRINGFIELD'S TOWER CENTER (LEE DISTRICT)** (Tape 6)

Supervisor Kauffman said that this year marks the fiftieth anniversary of Springfield's Tower Center which was the first shopping center to be built in Lee District. According to the Merchants Association, the center, originally known as the Springfield Shopping Center, broke ground in August 1952 and the first building opened the following year. The center was the original home of Fischers Hardware, a renowned Springfield institution.

Supervisor Kauffman said that the Tower Center is notable for the commitment to community that its merchants association has demonstrated from its earliest days. From 'Abe Lincoln' to 'Santa,' from moon bounces and hot dog stands, the activities designed to attract shoppers to the center have been planned to reflect community values.

The culmination of the Tower Center's fiftieth year will occur during Springfield Days on Saturday, May 31.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to:

- Prepare a proclamation recognizing the fiftieth anniversary of the Tower Center.
- Invite members of the Tower Center's Merchant Association to appear before the Board at its May 19 Board meeting to be recognized and to receive the proclamation.

Without objection, it was so ordered.

60. **INFORMATION ABOUT SHORELINE BUFFERS** (Tape 6)

Supervisor Hyland said that included in his Board Matters is a copy of a brochure produced by the Annapolis Environmental Commission and the Annapolis Tree Committee entitled *Shoreline Buffers – How to be a Good Waterfront Owner* which was sent to him by the Chairman of the Wetlands Board.

Supervisor Hyland noted that the brochure is a brief, but attractive and enlightening informational piece about tending waterfront property – how to plan a waterfront buffer, what to plant and where to plant it. The piece through the use of illustrations and text clearly demonstrate the Benefits of Shoreline Buffers.

Accordingly, with the intent that this kind of guidance and information can produce proactive results by preserving the County's natural resources, Supervisor Hyland asked unanimous consent that the Board refer this issue to staff for the purpose of obtaining an analysis of:

- The feasibility of the County preparing a similar brochure and mailing it to Mount Vernon and Dranesville District waterfront property owners; or

- Obtaining a sufficient number of these brochures and mailing them to the County's waterfront property owners.

Supervisor Kauffman seconded the motion.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked to amend the motion to include directing staff to report on the costs, and this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

61. **REQUEST FOR PROCLAMATION FOR AND RECOGNITION OF GIRL POWER!** (Tape 6)

Supervisor Hyland asked unanimous consent that the Board direct staff to invite representatives of Girl Power! to appear before the Board to be recognized for the long term benefit this program provides young women and that the proclamation declaring Saturday, June 14, 2003, as "*Girl Power Day*" in Fairfax County be presented at that time. Without objection, it was so ordered.

Chairman Hanley clarified that the request was to direct staff to invite representatives of Girl Power! to appear before the Board on May 5, 2003.

62. **REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) EXTEND THE COMMENT PERIOD FOR THE ROUTE ONE LOCATION STUDY PUBLIC HEARING (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that on Tuesday, April 29, 2003, between the hours of 5 p.m. and 8 p.m. at Mount Vernon High School, VDOT will be holding its Route One Location Study public hearing for Section "C," the portion of the highway which runs from Belvoir Woods Parkway to the Capital Beltway.

Supervisor Hyland noted that while notification of the public hearing was sent to homeowners and businesses in this area, he noticed that the public comment period ended May 9, a scant ten days. When some citizens asked for the comment forms, they were told that they could not be dispensed until the public hearing on April 29.

Supervisor Hyland said that for a project which is not yet even funded for design and construction, ten days is a short turnaround for commenting on this long range project.

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare a letter for the Chairman's signature requesting that the public comment period for the Route One Location Study Public Hearing for Section "C" be extended to 30 days following April 29. Supervisor Kauffman seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

63. **REQUEST FOR AN OUT-OF-TURN PLAN AMENDMENT (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that the Mount Vernon Citizens' Association requested the Board to consider an out-of-turn plan amendment that would provide an option for a free-standing bank with drive-through windows at the location in front of the Mount Vernon Square Apartments. He added that the present language of the plan was directed at fast-food restaurants and service stations and not at banks.

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare and out-of-turn plan amendment to provide for:

- An option in the text for Sub Unit B-2 which recognizes that the subject property is being developed as a shopping center and provides that a bank with drive-through windows may be appropriate in this location.
- Access to the bank not be from Arlington Drive.

Supervisor Kauffman seconded the motion and it carried by unanimous vote.

64. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-V-033 (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that the Board approved a request for expedited processing for a special exception amendment on February 10, 2003, by the Mount Vernon Country Club. He said that the application number was referred to incorrectly.

Therefore, Supervisor Hyland moved that the Board direct staff to correct the error as follows: Special Exception Amendment Application SEA 97-V-003 **TO** Application SEA 97-V-033. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

65. **APPRECIATION TO CHAIRMAN HANLEY** (Tape 6)

Supervisor Hyland expressed his appreciation to Chairman Hanley for attending the Mount Vernon Council of Citizens' Association Gala.

66. **SPRINGFIELD CHILDREN'S FAIR** (Tape 6)

Supervisor McConnell announced that the Springfield Children's Fair will be held on Saturday, May 3, 2003, at Burke Lake Park from 10 a.m. until 4 p.m.

67. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED
CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN
AMENDMENT APPLICATION PCA 84-D-049-5/FDPA 84-D-049-6
(PROVIDENCE DISTRICT)** (Tape 6)

Supervisor Connolly announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Proffered Condition Amendment/Final Development Plan Amendment Application PCA 84-D-049-5/FDPA 4-049-6 until May 5, 2003, at 5 p.m.

(NOTE: Later in the meeting the public hearing was formally deferred. See Clerk's Summary Item CL#91.)

68. **RECESS/CLOSED SESSION** (Tape 6)

At 12:50 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).

1. *The Board of Supervisors of Fairfax County, Virginia, et al. v. Richard M. Robertson*, Record No. 030039 (Sup. Ct. of Va.) (Dranesville District)
2. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
3. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Hazel L. Herring and Cheryl P. Herring*, In Chancery No. 161124 (Fx. Co. Cir. Ct.) (Providence District)
4. *Jane W. Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Wilfredo O. Cifuentes*, In Chancery No. 177242 (Fx. Co. Cir. Ct.) (Lee District)
5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jerome E. Headley, Svetlana V. Headley, Francis A. Headley, and Grace F. Headley*, In Chancery No. 182102 (Fx. Co. Cir. Ct.) (Mason District)
6. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ronald S. Brewer and Samuel M. Brewer*, In Chancery No. 181881 (Fx. Co. Cir. Ct.) (Sully District)
7. *Coalition for Rural Conservation, Inc., Linda Clary, and Mary Jane McWilliams v. Fairfax County Board of Zoning Appeals*, At Law No. 213532 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ira and Virginia Cox, Limited Partnership, LLP*, In Chancery No. 183107 (Fx. Co. Cir. Ct.) (Sully District)

9. *Board of Supervisors v. Batman/McNair Associates, L.P., et al.*, At Law No. 196440 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Board of Supervisors v. Little Rocky Run No. 1, L.C., and Frontier Insurance Company*, Case No. 03-10516 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
11. *William J. Taylor v. Stephen M. Farmer, Stephen M. Farmer, P.C., Penelope Ann Rood, and Thomas Daines*, At Law No. 211840 (Fx. Co. Cir. Ct.)

And in addition:

- T. William Dowdy and Shirley Hunter, Trustees versus Board of Zoning Appeals of Fairfax County, Virginia, et al., At Law Number 207094 and Jane W. Gwinn, Fairfax County Zoning Administrator versus Shirley M. Hunter, Trustee, et al., In Chancery Number 180255.
- Ordinance of the Town of Herndon, Virginia, dated April 8, 2003, to amend and reordain Article III, Consumer Utility Tax, Chapter 30, Finance and Taxation, Herndon Town Code.

Supervisor Bulova seconded the motion and it carried by unanimous vote.

PW:pw

At 3 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

69. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 7)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor

Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

70. **AUTHORIZATION TO ENDORSE PROPOSED CONSENT DECREE**
(Tape 7)

Supervisor Hyland moved that the Board approve and authorize endorsement of proposed Consent Decree in *T. William Dowdy and Shirley Hunter, Trustees versus Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors for the County of Fairfax, Virginia, the County of Fairfax, Virginia, and the Zoning Administrator of Fairfax County*, At Law Number 207094; and *Jane Gwinn, Fairfax County Zoning Administrator versus Shirley M. Hunter, Trustee, and T. William Dowdy, Trustee, and Cooper-Page, Incorporated*, In Chancery Number 180255, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote.

71. **APPOINTMENT OF MR. WILLARD K. GARNES AS DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR HUMAN SERVICES**
(Tape 7)

Supervisor Gross moved the appointment of Mr. Willard K. ("Ken") Garnes to the position of Director, Department of Administration for Human Services, at Grade E-10 effective April 28, 2003, with a salary of \$104,486. Supervisor Connolly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

72. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ1998-LE-064, SPECIAL EXCEPTION APPLICATION SE 01-L-020, AND SPECIAL EXCEPTION AMENDMENT APPLICATIONS SEA 91-L-053-4 AND 91-L-054-3 (SPRINGFIELD EAST, LC) (LEE DISTRICT)** (Tape 7)

(O) (NOTE: At its March 10, 2003, meeting the Board held a public hearing on this item and deferred decision until April 28, 2003.)

Chairman Hanley and Supervisor Kauffman disclosed that they serve on the Metro Board.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 1998-LE-064,

from the I-4 District to the C-4 District, subject to the proffers dated March 4, 2003.

- Approval of Special Exception Application SE 01-L-020, subject to the proposed development conditions dated February 12, 2003 ,as contained in Appendix 2 of the staff report.
- Modification of the transitional screening yard requirement and barrier requirements along the western boundary adjacent to the PDH-40 District to that shown in the proffered GDP/SE Plat.
- Approval of Special Exception Amendment Application SEA 91-L-053-4, subject to the proposed development conditions dated February 12, 2003, listed in Appendix 3 of the staff report.
- Approval of Special Exception Amendment Application SEA 91-L-054-3, subject to the proposed development conditions dated February 12, 2003, as contained in Appendix 4 of the staff report.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

73. **A-3 – APPROVAL OF A MAINTENANCE AGREEMENT BETWEEN THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AND SPRINGFIELD EAST, LC TO MAINTAIN AN ACCESS ROAD TO THE JOE ALEXANDER TRANSPORTATION CENTER (LEE DISTRICT)** (Tape 7)

(NOTE: Earlier in the meeting, this action was deferred. See Clerk's Summary Item CL#23.)

On motion of Supervisor Kauffman, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved a maintenance agreement between the Board and Springfield East, LC to maintain an access road to the Joe Alexander Transportation Center.
- Authorized the County Executive to sign the agreement on behalf of the Board.

74. **3 P.M. – BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-L-147 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-V-009-2 (KHAN INTERNATIONAL, LLC) (MOUNT VERNON DISTRICT)** (Tape 7)

(NOTE: At its March 24, 2003, meeting the Board held a public hearing on this item and deferred decision until April 28, 2003.)

Following a brief discussion, Supervisor Hyland moved to defer decision on Proffered Condition Amendment Application PCA 79-L-147 and Special Exception Amendment Application SEA 84-V-009-2 until **May 5, 2003, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by unanimous vote.

75. **3 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – LEESBURG PIKE (PROVIDENCE DISTRICT)** (Tape 7)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, discussion ensued with input from James Ratliff, Staff, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), and Frank Roberts, Project Manager, Planning and Design Division, DPWES.

Supervisor Connolly asked unanimous consent that the Board direct staff to continue to work with the community at Churchill Square to address the outstanding issues. Without objection, it was so ordered.

With the understanding that staff would continue to work with the community of Churchill Square, Supervisor Connolly moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 064231 – Leesburg Pike, in Fund 304, Primary and Secondary Road Bond Construction. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova, Supervisor Frey, and Supervisor Kauffman being out of the room.

76. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 93-H-004 AND PROFFERED CONDITION AMENDMENT/DEVELOPMENT PLAN AMENDMENT APPLICATION PCA 87-C-088/DPA 87-C-088 (THE JEFFERY FINANCIAL GROUP, INCORPORATED) (HUNTER MILL DISTRICT) (Tape 7)**

The application property is located on the east side of Old Reston Avenue, approximately 450 feet north of its intersection with Sunset Hills Road.

Mr. James A. Jeffrey reaffirmed the validity of the affidavit for the record.

Mr. Jeffrey had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Hudgins stated for the record that the Planning and Zoning Committee for Reston unanimously approved this development.

Following the public hearing, Cathy Belgin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 87-C-088, subject to the proffers dated April 23, 2003, and subject to the approval of Proffered Condition Amendment Application PCA 93-H-004. This motion, the second to which was inaudible, carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

Supervisor Hudgins moved approval of Development Plan Amendment Application DPA 87-C-088. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

Supervisor Hudgins moved:

- Approval of a waiver for the requirement for all required parking to be provided onsite, pursuant to Section 11-102 of the Zoning Ordinance.
- Approval of Proffered Condition Amendment Application PCA 93-H-004, subject to the proffers dated April 23, 2003.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hyland, and Supervisor Kauffman being out of the room.

77. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING COMMERCIAL REVITALIZATION DISTRICT/AREA OFF-STREET PARKING PROVISIONS** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, discussion ensued with input from Susan Epstein, Assistant to the Zoning Administrator, Department of Planning and Zoning.

Supervisor Mendelsohn stated for the record that he had a resolution from the McLean Citizens Association strongly supporting this action.

Supervisor Mendelsohn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), with the exception that the proposed amendment not be applicable to the Merrifield Commercial Revitalization Area or the Richmond Highway Commercial Revitalization District. The effective date will be 12:01 a.m., April 29, 2003, and that rezonings, special exceptions, special permits, site plans, and parking tabulations approved prior to the effective date and site plans and parking tabulations filed prior to the effective date be grandfathered from the proposed amendment. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hyland, and Supervisor Kauffman being out of the room.

78. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SIGNS FOR PLACES OF WORSHIP** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, discussion ensued with input from Jayne M. Collins, Assistant to the Zoning Administration, Department of Planning and Zoning.

Supervisor Mendelsohn stated for the record that he had a resolution from the McLean Citizens Association opposing this action.

Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to allow a second freestanding sign when more than one place of worship congregation shares space in the same facility, with an effective date of 12:01 a.m., April 29, 2003. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Kauffman being out of the room.

79. **3:30 P.M. – PH ON THE CREATION/ENLARGEMENT/DE-CREATION, RECREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)**
(Tapes 7-8)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, which included testimony by 14 speakers, discussion ensued with input from Terry Czarny, Petition Coordinator, Division of Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services.

ADDITIONAL BOARD MATTER

Welcome to Cub Scout Pack 55 from Forestville Elementary School (Tape 8)

Supervisor Mendelsohn recognized the presence of Cub Scout Pack 55, from Forestville Elementary School, and welcomed them to the Board Auditorium.

Supervisor Mendelsohn moved adoption of the Resolution approving the proposed petitions within Braddock, Dranesville, Hunter Mill, Lee, and Mason Districts in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, with the exception of Small District 9, with that decision deferred until **May 5, 2003, at 3 p.m.** Approval of the Leaf Collection Petitions will exceed existing staff and equipment capacity. Staff will issue an invitation for bid to obtain private Vacuum Leaf Collection Service. The changes are as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 within Dranesville District (Davis Court)	Enlarge	Refuse	Approve
Local District A-2 within Small District 1 within Dranesville District (1017 Shipman Lane)	Enlarge	Refuse	Approve
Small District 7 within Dranesville District (Sigmona Park)	Create	Refuse & Leaf	Approve
Small District 8 within Dranesville District (Hiddenbrook)	Create	Refuse & Leaf	Approve
Small District 4 within Mason District (Downing Street)	Enlarge	Refuse & Leaf	Approve
Small District 4 within Mason District (6480 Overlook Drive)	Enlarge	Refuse & Leaf	Approve
Small District 1 within Mason District (Madison Place)	De-Create/ Re-Create	Refuse & Leaf	Approve
Local District D within Small District 1 within Mount Vernon District (Devonshire Road)	Enlarge	Refuse & Leaf	Approve
Small District 2 within Providence District 8963 Colesbury Place	Enlarge	Leaf	Approve
Small District 1 within Providence District (Fairview)	De-Create/ Re-Create	Refuse & Leaf	Approve

Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross,

Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

Supervisor Gross asked unanimous consent that the Board direct staff to determine an administrative mechanism to remove new homeowners' associations from sanitary districts if certain criteria are met. Without objection, it was so ordered.

80. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-27 (KINGSTOWNE SHOPPING CENTER I, LP) (LEE DISTRICT)** (Tape 8)

The application property is located in the southwest quadrant of the intersection of south Van Dorn Street and Kingstowne Boulevard, Tax Map 91-2 ((1)) 32A.

Mr. Jonathan P. Rak reaffirmed the validity of the affidavit for the record.

Mr. Rak had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Kauffman disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Warren E. Halle

Following the public hearing, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved approval of Proffered Condition Amendment Application PCA C-448-27, subject to the proffers contained in Appendix 1 of the staff report. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor McConnell being out of the room.

DMB:dmb

81. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFORDABLE DWELLING UNITS IN MID-RISE MULTIPLE FAMILY DWELLINGS** (Tape 9)

Supervisor Hudgins moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding affordable dwelling units in mid-rise multiple family dwellings until

May 19, 2003, at 4:30 p.m. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor McConnell being out of the room.

82. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-SU-001 (MULFORD ENTERPRISES, INCORPORATED) (SULLY DISTRICT)**
(Tape 9)

The application property is located at 15109 Lee Highway, Tax Map 64-2 ((3)) 22.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Supervisor Frey moved to defer decision on Special Exception Application SE 2003-SU-001 until later in the meeting, due to the need to acquire copies of the new Planning Commission recommendations for the development conditions. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#86.)

83. **4 P.M. – PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA-B-846-2 (EXXON MOBIL CORPORATION) (HUNTER MILL DISTRICT)**
(Tape 9)

The application property is located on the west side of Sunrise Valley Drive, approximately 500 feet north of its intersection with Reston Parkway, Tax Map 17-3 ((3)) 3.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

Mr. Stearns had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Chairman Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. John G. Milliken

Following the public hearing, Cathy Belgin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Development Plan Amendment Application DPA-B-846-2, subject to the development conditions dated March 18, 2003.
- Approval of modification of the trail requirement on Sunrise Valley Drive in favor of the six-foot wide asphalt trail depicted on the development plan.

Chairman Hanley seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

84. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-045 (ENTERPRISE LEASING COMPANY D/B/A ENTERPRISE RENT-A-CAR) (MASON DISTRICT)** (Tape 9)

The application property is located at 7040 – 7060 Columbia Pike, Tax Map 60-3 ((1)) 21, 21A, and 21B.

Mr. John C. McGranahan, Jr. reaffirmed the validity of the affidavit for the record.

Mr. McGranahan had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Enterprise Rent-A-Car

Following the public hearing, which included testimony by two speakers, Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2002-MA-045, subject to the proposed development conditions dated April 2, 2003, to be amended as follows: Condition number six should be revised to read, "the parking lot recommendations for the shopping center per the Special Exception plat, which include the provision of 37 additional parking spaces in conformance with paragraph two, Section 11-102 accessible spaces shall be completed within six months of the issuance of a Non-Residential Use Permit for vehicle rental use.
- Waiver of the transitional screening requirement to the northwest and the northeast.
- Waiver of the barrier requirement to the northwest, northeast, and southeast.
- Modification of the transitional screening requirement to the northeast to provide landscaping as shown on the Special Exception Plat.

Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

85. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, REMOVING MARYLAND STREET FROM THE MOUNT VERNON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 24 (MOUNT VERNON DISTRICT)** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendment to Appendix G, to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to remove Maryland Street from the Mount Vernon RPPD, District 24. The proposed District removal includes the following street block:

- Maryland Street (Route 2145) from Old Mount Vernon Road (Route 623) to Gibbs Street (Route 1098).

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hudgins, and Supervisor McConnell being out of the room.

86. **DECISION ON SPECIAL EXCEPTION APPLICATION SE 2003-SU-001 (MULFORD ENTERPRISES, INCORPORATED) (SULLY DISTRICT)**
(Tape 9)

(NOTE: Earlier in the meeting, the public hearing was held and decision on this item was deferred. See Clerk's Summary Item CL#82.)

Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2003-SU-001, subject to the development conditions dated April 21, 2003.
- Approval of modification of the transitional screening requirements, as shown on the Special Exception Plat and modified by the development conditions.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hudgins, and Supervisor McConnell being out of the room.

87. **4 P.M. – PH ON A PROPOSAL TO VACATE A SEGMENT OF WESTERN AVENUE (BRADDOCK DISTRICT)** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, Supervisor Bulova moved adoption of the Ordinance vacating a segment of Western Avenue. Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

88. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX M, ESTABLISHING THE CENTRE RIDGE RESTRICTED PARKING DISTRICT (RPD) AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix M, establishing the Centre Ridge RPD, as part of R-TAP. The parking prohibition for watercraft, boat trailers, motor homes, and camping trailers is proposed to be in effect seven days per week, 24 hours per day for the following:

- New Braddock Road from Centrewood Drive to Store House Drive
- Saint Germain Drive from Store House Drive to Woodland Ridge Drive
- Field Encampment Road
- Drill Field Court
- Flag Staff Court
- Guard Mount Court
- Muster Court
- Picket Oaks Road
- Outpost Court
- Store House Drive
- Sutler Store Court
- Store House Court

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor McConnell and Supervisor Mendelsohn being out of the room.

89. **4:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-V1, LOCATED SOUTHEAST OF THE FLINT HILL ROAD AND CHAIN BRIDGE ROAD INTERSECTION (PROVIDENCE DISTRICT)**
(Tape 9)

Supervisor Connolly moved defer the public hearing on Out-of-Turn Plan Amendment S02-II-V1 until **May 19, 2003, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

90. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-PR-034 (LCOR/JV ACQUISITIONS, LLC) (PROVIDENCE DISTRICT)** (Tape 9)

The application property is located in the southwest quadrant of the intersection of Gallows Road and Prosperity Avenue, Tax Map 49-2 ((1)) 15A pt., 17 pt., and 17A pt.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved approval of Proffered Condition Amendment Application PCA 1999-PR-034, subject to the proffers dated April 7, 2003. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

91. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA 84-D-049-5/FDPA 84-D-049-6 (TYSONS II LAND COMPANY, LLC) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on Proffered Condition Amendment/Final Development Plan Amendment Application PCA 84-D-049-5/FDPA 84-D-049-6 until **May 5, 2003, at 5 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

92. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 97-Y-042 (FAI OLD CENTREVILLE LLC) (SULLY DISTRICT)** (Tape 9)

The application property is located at 13810 Braddock Road, Tax Map 54-4 ((1)) 87C.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Supervisor Frey moved to defer decision on Special Exception Application SE 97-Y-042 until later in the meeting. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#94.)

93. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-027 (JAGDISH BERRY) (MOUNT VERNON DISTRICT)** (Tape 9)

- (O) The application property is located in the southwest quadrant of the intersection of Edinburgh Drive and Lake Pleasant Drive, Tax Map 98-2 ((8)) G.

Mr. Stephen K. Fox reaffirmed the validity of the affidavit for the record.

Mr. Fox had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Bulova.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-027, from the R-8 District to the R-8 District, subject to the proffers dated March 21, 2003.
- Waiver of the minimum district size requirement.
- Approval of the modification of the transitional screening requirements and waiver of the barrier requirements along the northern and western property boundaries.

Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Acting-Chairman Bulova voting "AYE," Supervisor Connolly, Supervisor McConnell, and Chairman Hanley being out of the room.

Acting-Chairman Bulova returned the gavel to Vice-Chairman Hyland.

94. **DECISION ON SPECIAL EXCEPTION APPLICATION SE 97-Y-042 (FAI OLD CENTREVILLE LLC) (SULLY DISTRICT)** (Tapes 9-10)

(NOTE: Earlier in the meeting the public hearing was held and decision on this item was deferred. See Clerk's Summary Item CL#92.)

Denise Thomas, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 97-Y-042, subject to the proffers dated March 19, 2003, with the exception of Condition Number 4, which shall read, "If the Zoning Administrator's determination that two freestanding signs are not permitted at this location is upheld through the appellate process, the existing freestanding sign located on Braddock Road shall be removed. In the meantime, the sign approved pursuant to this Special Exception will not be installed until the appellate process is complete."

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Chairman Hanley being out of the room.

95. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 97-Y-058 (WASHINGTON DC SMSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS) (SULLY DISTRICT)** (Tape 10)

The application property is located at 15717 Lee Highway, Tax Map 64-1 ((1)) 17 pt., 38 pt., and 39 pt.

Mr. David R. Lasso reaffirmed the validity of the affidavit for the record.

Mr. Lasso had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Luck Stone Corporation

Following the public hearing, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 97-Y-058, subject to the proffers dated March 12, 2003.
- Modification of the screening and barrier requirements along the western boundary.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Connolly and Chairman Hanley being out of the room.

96. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-SU-029
(LANDMARK PROPERTY DEVELOPMENT, LLC) (SULLY DISTRICT)** (Tape 10)

The application property is located in the northeast quadrant of Chantilly Road and Lee Jackson Memorial Highway, Tax Map 34-4 ((5)) B.

Mr. John H. Thillmann reaffirmed the validity of the affidavit for the record.

Mr. Thillmann had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Hyland disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Scott M. Herrick

Supervisor Gross disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Scott M. Herrick and Mr. John H. Thillmann

Supervisor Kauffman disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Scott M. Herrick of Landmark Property Development, LLC

Supervisor Bulova disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Scott M. Herrick of Cherokee Management

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Cherokee Management

Supervisor Hudgins disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Scott M. Herrick from Cherokee Management

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2002-SU-029, from the R-1, HC, and WS Districts, to the HC and WS Districts, subject to the proffers dated April 10, 2003.
- Waiver of the minimum district size requirement for the R-3 cluster District.
- Waiver of the open space provisions of paragraph 4 of Section 2-309 of the Zoning Ordinance.
- Waiver of Public Facilities Manual Standard 2-0103-2 to permit more than 20 percent of the lots to be on pipestems.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Connolly and Chairman Hanley being out of the room.

97.

5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), AND CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING IMPLEMENTATION OF REVISIONS TO THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (9 VAC 10-20 ET SEQ.) (Tape 10)

Supervisor Mendelsohn moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax Chapter 101 (Subdivision Ordinance), Chapter 104 (Erosion and Sedimentation Control), Chapter 112 (Zoning Ordinance), and Chapter 118 (Chesapeake Bay Preservation Ordinance), and the PFM until **May 19, 2003, at 4:30 p.m.** Supervisor Gross seconded the motion and it carried by unanimous vote.

98. **5:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-013 (ABDULELAH AL-KELIDDAR) (MASON DISTRICT)**
(Tape 10)

Supervisor Gross moved to defer indefinitely the public hearing on Special Exception Application SE 2002-MA-013. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

98. **5:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING VALIDATION, WITHOUT THE REQUIREMENT OF APPROVAL OF A PLAT, OF LOTS THAT WERE NOT LEGALLY CREATED AFTER AUGUST 31, 1947** (Tape 10)

Supervisor Hudgins moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) for developed lots until **May 5, 2003, at 4:30 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

99. **BOARD RECESS** (Tape 10)

At 5:50 p.m., the Board recessed briefly, and, at 6 p.m., reconvened in the Board Auditorium with all Members being present with the exception of Supervisor Frey and Supervisor Mendelsohn, and with Chairman Hanley presiding.

100. **6 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tape 10)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

The public hearing was held and included testimony by the following individuals:

- Mr. Robert Nappi regarding Health Concerns
- Ms. Nadine Wormsbacher regarding Massage Therapy Laws
- Mr. Wei Xie regarding Human Rights

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide information regarding what the County allows in terms of massage therapy. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Bulova asked unanimous consent that the Board direct staff to provide information regarding any zoning complaints since the Board approved the current ordinance. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct the Office of the Clerk to the Board to refer Mr. Nappi and Mr. Xie to the Human Rights Commission for information regarding human rights issues. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

101. **BOARD ADJOURNMENT** (Tape 10)

At 6:20 p.m., the Board adjourned.

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